
TOWN WARRANT
Annual Town Meeting
April 28, 2004

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Annual Town Meeting to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on Wednesday, the twenty-eighth day of April, two thousand and four, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Amend Amherst Town Government Act – Childcare Study (Town Meeting Improvement Committee)

To see if the Town will amend the action taken under Article 6 at the October 27, 2003, Special Town Meeting by replacing the words "Town Meeting Members" with the words "Amherst residents."

ARTICLE 3. Petition – Poll Hours (Awad)

“To see if the town meeting will vote by a two-thirds majority to place the following question amending the Amherst Town Government Act on the next annual town election ballot:

Shall Sections 1.3 and 2.42 of the Amherst Town Government Act be amended to provide for uniform voting hours at all town elections by adding the language in **boldface** and deleting the language in ~~striketru~~ as follows:

1.3 Conduct of Elections. Meeting of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all registered voters of the town, shall be held on the same day ~~and at the same hour~~ and at the same places within the town as the select board shall in the warrant for such election direct, **and the polls shall be open no later than 7 o'clock in the morning and shall be closed not earlier than 8 o'clock in the evening.**

2.4 Referendum. ... 2.42 Election Procedure. ...The polls shall be open ~~during hours to be determined by the select board but they shall be open~~ **no later than noon 7 o'clock in the morning** and shall be closed not earlier than 8 o'clock in the evening...”

ARTICLE 4. Transfer of Funds – Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 5. FY 04 Budget Amendments (Select Board)

To see if the Town will make the following amendments to the FY 04 budget and to meet such amendments transfer \$116,000 from Free Cash in the Undesignated Fund Balance of the General Fund:

- a. increase the Reserve Fund by \$55,000
- b. increase the Pools Budget by \$16,000
- c. increase the Golf Course Fund Operating Budget by \$45,000

ARTICLE 6. Community Preservation Act – Additional for Hess APR (Community Preservation Act Committee)

To see if the Town will amend the action taken in Motion C under Article 15 of the October 27, 2003, Special Town Meeting by increasing the appropriation from the Community Preservation Fund Undesignated Balance by \$95,000 to a total of \$192,500.

ARTICLE 7. Optional Tax Exemptions (Select Board)

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

ARTICLE 8. Authorization for Compensating Balance Accounts (Select Board)

To see if the Town will accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

ARTICLE 9. Petition – Resolution – PVTa (BenEzra)

“To see if the Town will adopt the following resolution:

WHEREAS the Town of Amherst has many thousands of men, women and children who totally depend on the Pioneer Valley Transportation Authority (PVTa) for access to jobs, educational resources, medical care and other purposes; and

WHEREAS the PVTa is about to institute widespread cuts in service to offset a \$1.4 Million deficit;

NOW THEREFORE we call upon the Governor of the Commonwealth of Massachusetts to declare a moratorium on any cuts in PVTa service; and further,

WHEREAS the source of transportation funds discriminates against regional public transportation in Western Massachusetts in favor of the Massachusetts Bay Transportation Authority (MBTA) which receives an inequitable amount of Sales Tax revenues;

NOW THEREFORE we call upon the Amherst Select Board to take the lead in developing a region-wide strategy involving impacted local governments, our State Senators & State Representatives, and our Members of Congress to solve this agonizing transportation crisis that is threatening the viability of the entire PVTa system.”

ARTICLE 10. Petition – Resolution – Repeal Medicare Act (BenEzra)

“To see if the town will adopt the following resolution:

WHEREAS Amherst has nearly 3000 Seniors who depend on Social Security for their financial support and Medicare and Medicaid for the major portion of their health care; and

WHEREAS traditional Medicare is moving in the direction of privatization under provisions of the new Medicare Act adopted in 2003; and

WHEREAS President George W. Bush in his State of the Union Address declared he would begin privatizing Social Security; and

WHEREAS the President has also targeted Medicaid for reductions in financial and services support; and

WHEREAS Medicaid provides minimum medical support for children and adults with low financial resources; and

WHEREAS at least 18,000 American die prematurely each year because they lack medical insurance coverage; and

WHEREAS 45, 000,000 Americans are medically uninsured because they are unemployed or have low paying jobs;

THEREFORE we call upon the next President of the United States and the Congress in 2005 to repeal the new Medicare Act, protect Social Security from privatization, save Medicaid, and develop a comprehensive single-payer health care system for all Americans.

We request that copies of this resolution be sent to the President of the United States, our 2 United States Senators, our Representative in Congress, the Governor of the Commonwealth of Massachusetts, as well as our State Senator and State Representative.”

ARTICLE 11. Petition – Resolution – “Stop the Cuts” Campaign (Koch-Gonzalez)

“Resolution Supporting the Massachusetts “Stop the Cuts” Campaign

Whereas, Massachusetts is facing over a \$1.2 billion deficit for Fiscal Year 2005, and

Whereas, Massachusetts needs new revenue to prevent deep budget cuts and to pay for education, affordable housing, child care, health care, prescription drugs, public safety, local aid, human services, and other badly needed state programs, and

Whereas, in the 1990s, the State Legislature passed 42 tax cuts – most to our state’s wealthiest corporations and individuals – that cost the Commonwealth \$3.7 billion a year in lost revenue, more than the entire current deficit, and

Whereas, corporate tax loopholes cost the state hundreds of millions of dollars each year, and

Whereas, in 1968, corporate taxes made up 16% of state revenue, but today their share is only 5 %, and

Whereas, many corporations use creative accounting tricks and loopholes to avoid paying their fair share of taxes, and

Whereas, closing corporate tax loopholes levels the playing field for locally owned and operated businesses, and

Whereas, quality tax-funded services like education and infrastructure help attract business to MA, and

Whereas, restoring the income tax rate is a fair and simple way, costing the average family less than a dollar a day, to raise the additional funds we need, and

Whereas, if significant revenue is not raised at the state level, the Town of Amherst will face increased pressure to raise property taxes and/or fees, and

Whereas, the burden of restoring the income tax would be carried mostly by the wealthiest taxpayers, while property taxes and fees would be less fairly distributed,

THEREFORE BE IT

RESOLVED, that the Amherst Representative Town Meeting supports the “Stop The Cuts Campaign” to limit deep cuts in local aid, education, and health and human services;

RESOLVED, that the Amherst Representative Town Meeting supports raising state tax revenues by closing corporate tax loopholes and supporting combined taxable income reporting, and by repealing special-interest tax breaks such as those given to Raytheon and Fidelity;

RESOLVED, that the Amherst Representative Town Meeting supports corporate disclosure, requiring corporations to report how much in subsidies they get from the state and/or the Town of Amherst and whether or not they are living up to the promises they made to get those subsidies;

RESOLVED, that the Amherst Representative Town Meeting supports raising tax revenues by restoring the income tax rate to 5.95 percent which would produce over \$1 billion in revenues and which is below the 1990 levels of 6.25 percent.

RESOLVED, that the Amherst Representative Town Meeting direct the Amherst Town Clerk to transmit duly certified copies of this resolution to State Senator Stan Rosenberg, State Representative Ellen Story and Governor Mitt Romney.”

ARTICLE 12. Petition – Resolution to Oppose Federal Tax Breaks for Millionaires (Koch-Gonzalez)

“Resolution to Oppose Federal Tax Breaks for Millionaires

WHEREAS, The Town of Amherst has experienced cuts to its schools, libraries and public transportation system and a reduction in state aid to education and state aid to cities and towns; and

WHEREAS, Massachusetts needs new revenue to prevent further budget cuts and to pay for education, affordable housing, child care, health care, prescription drugs, public safety, environmental programs, local aid, human services, and other badly needed state and local programs; and

WHEREAS, if significant revenue is not forthcoming, the Town of Amherst will face increased pressure to raise property taxes and/or fees, and/or cut vital services, and

WHEREAS, Massachusetts has lost 183,000 jobs since the start of the recession; and

WHEREAS, President Bush and the U.S. Congress could have provided \$85 billion in aid to the states during this nationwide fiscal crisis, which would have eliminated every state’s deficit, but instead chose to pass a tax bill that provides only \$20 billion in aid to states and gives away \$330 billion in tax breaks, primarily to the wealthiest Americans; and

WHEREAS, the 2003 Federal tax law will yield an average four-year tax cut of \$444 to the bottom 60% percent of Massachusetts taxpayers, while the richest 1% in our state will receive an average four year tax break of \$178,762; and

WHEREAS, the permanent repeal of the federal estate tax will divert almost \$1 trillion dollars from domestic priorities over the next 20 years, yet would benefit only multi-millionaires; and

WHEREAS, Massachusetts relies on federal aid in the form of Medicaid reimbursements, general economic assistance, spending on housing development and transportation, homeland security funding, and Social Security payments;

WHEREAS, tax breaks for the wealthy do not “trickle down” and help middle and low-income people and history shows that large tax giveaways for the rich and extreme inequality of wealth are followed by weak economic growth and job loss; and

WHEREAS, President Bush and the U.S. Congress’ 2003 tax law undermines our state and local efforts in these areas, as well as provides little tax relief to the vast majority of the citizens of Amherst; therefore be it

RESOLVED, That The Amherst Representative Town Meeting calls upon the members of the Massachusetts Delegation to the United States Congress to vote to repeal the 2003 tax breaks that benefit only upper-income taxpayers, and redirect a portion of the restored funds to the states so they can stop painful budget cuts, and

RESOLVED, That The Amherst Representative Town Meeting calls upon the members of the Massachusetts Delegation to the United States Congress to vote against any future tax breaks for wealthy Americans or large corporations, which erode the funding available for critical domestic priorities; and

RESOLVED, That the Amherst Representative Town Meeting direct the Amherst Town Clerk to transmit duly certified copies of this resolution to President George W. Bush, Senators Edward Kennedy and John Kerry and Representative John Olver, and Governor Mitt Romney.”

ARTICLE 13. Amend Amherst – Pelham Regional School District Agreement (School Committee)

To see if the Town will approve an amendment to the Amherst-Pelham Regional School District agreement reallocating the total amount to be contributed by the member towns to the District for Fiscal Year 2005, as required by the Agreement, so that each town’s contribution, including statutorily required minimum district contribution, increases by an equal percentage in proportion to its contribution for Fiscal Year 2004, which amendment shall apply to Fiscal Year 2005 only.

ARTICLE 14. FY 2005 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

ARTICLE 15. Retirement Assessment (Select Board)

To see if the Town will raise and appropriate \$2,192,883 for the Hampshire Regional Retirement System assessment.

ARTICLE 16. Reserve Fund (Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2005.

ARTICLE 17. Special Services - Amherst Community Television (Select Board)

To see if the Town will raise and appropriate \$4,000 for Amherst Community Television and related expenses.

ARTICLE 18. Special Services - Congregate Housing (Select Board)

To see if the Town will raise and appropriate \$14,000 for the development and coordination of support services for tenants of congregate housing and related housing units, said program to be fully reimbursed by the Executive Office of Elder Affairs.

ARTICLE 19. Special Services – Transportation Subsidies (Select Board and Public Transportation Committee)

To see if the Town will endorse no-fare public transit service to the Amity Street/University Drive, Village Park, Echo Hill, Cushman, Orchard Valley and Elf Hill areas of the Town, year-round weekend service on the South Amherst/North Amherst/Belchertown Road routes, elderly and disabled special transportation services, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.

ARTICLE 20. Capital Program - Chapter 90 (Joint Capital Planning Committee)

To see if the Town will authorize the expenditure of \$400,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

ARTICLE 21. Capital Program – Equipment (Joint Capital Planning Committee)

To see if the Town will appropriate \$784,400 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 22. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

To see if the Town will appropriate \$243,000 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 23. Capital Program - Town Center Improvements (Joint Capital Planning Committee)

To see if the Town will appropriate \$1,200,000 for Town Center roadway, sidewalk and lighting improvements and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7(5) and other applicable laws.

ARTICLE 24. Overlay Surplus (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Overlay Surplus to balance the 2005 Fiscal Year.

ARTICLE 25. Stabilization Fund (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the 2005 Fiscal Year.

ARTICLE 26. Free Cash (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2005 Fiscal Year.

ARTICLE 27. Petition – Resolution - Vehicle Idling (Kaynor)

“To see if the Town will adopt the following resolution:

Be it resolved that the Town use available means to educate Town employees and the larger community concerning the costs of, and alternatives to, vehicle idling, and that the relevant Massachusetts General Law Title XIV Chapter 90 Section 16A be enforced.”

ARTICLE 28. Petition - Form for Police Stops (Brown-Hazard)

“To see if the town will vote to ask the Select Board to work with the Town Manager, Town Counsel, and Police Chief to implement the use of a one-page standardized self-reporting form for police stops and a process to record and evaluate the information gathered, which standardized forms shall include, but not be limited to, the reasons for each stop, action taken during each stop, and the number, gender and easily identifiable ethnicity of all vehicle’s occupants.”

ARTICLE 29. Street Acceptances – Poet’s Corner and Dayton Lane (Select Board)

To see if the Town will accept as Town ways Poet’s Corner and Dayton Lane as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 30. Petition - Sidewalk Snow Plowing (Greeney)

“To see if the Town Meeting will vote to recommend the Select Board to reverse its decision reached on January 12, 2004 on sidewalk snow-plowing.”

ARTICLE 31. Petition – Meadow Street Bridge (O’Connor)

“To see if the Town will vote to request the Massachusetts Department of Public Works to repair or replace the 24-foot bridge over the Swamp Brook on Meadow Street west of Route #116 in North Amherst by closing said bridge for a period not to exceed three months without the use and cost of a temporary bypass bridge, and to take any other action related thereto.”

ARTICLE 32. Petition – Zoning Bylaw – Converted Dwellings (O’Connor)

“To see if the town will vote to amend the Zoning Bylaw by (deletions in ~~striketru~~, additions in **boldface**):

a) amending Condition 5 of Section 3.3241 Converted Dwelling so it will read as follows:

5. The proposed conversion, **if not by Site Plan Review approval by the Zoning Board of Appeals for conversion from one owner-occupied unit to two units**, shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to **a** business, commercial ~~and~~ **or** educational districts, or already developed for multi-family use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit **or Site Plan Review approval** issued in such an instance. And,

b) amending the use table for Section 3.3241 Converted Dwelling to add SPR (Site Plan Review) by the Zoning Board of Appeals as a method of approval under the R-0, R-N, R-VC, and R-G Districts.

c) replacing in Section 11.2 “Site Plan Review” all references to the “Planning Board” by the words **“Site Plan Review Authority”** and to the “Board” by the word **“Authority”** except for Section 11.250 which shall be amended to read **“Site Plan Review decisions by the Zoning Board of Appeals shall be unanimous. Site Plan Review decisions by the Planning Board shall require** ~~the~~ the concurring vote of at least two-thirds (2/3), but not fewer than five (5), of the members of the Board participating and voting ~~shall be required for any decision on a site plan application~~ (abstaining members being considered not to be voting). The ~~Board’s~~ **Authority’s** written decision shall consist of either:”

ARTICLE 33. Petition – Zoning Bylaw – Upland Acreage (O’Connor)

“To see if the town will vote to amend the Amherst Zoning Bylaw by adding to Section 3.323 Apartments, Table III of Article 6, and Article 12, Section 12.35 the following:

Section 3.323 Add the following clause to sentence three of condition two:

Dimensional regulations in Article 6 shall be observed, **except that the square footage of a parcel determined to be wetlands under the Massachusetts Wetlands Protection Act or the Amherst Wetland Bylaw shall be deducted from the total parcel area so that only upland acreage shall be used to calculate the allowable number of units.**

Article 6, Table III – Dimensional Regulations: add footnote “o” to Additional Lot Areas/Family (sq ft)

o. All areas of a parcel determined to be wetlands under the Massachusetts Wetland Protection Act or the Amherst Wetland Bylaw shall be excluded from the area of a parcel used to calculate the number of additional units allowed.

Article 12 – Definitions

Section 12.35 Upland Acreage: Lot area, not including watercourses, waterbodies, **vernal pools**, banks, or bordering **or isolated** vegetated wetlands as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, **or the Amherst Wetland Bylaw.**”

ARTICLE 34. Petition - Zoning Bylaw –Moratorium (O’Connor)

“To see if the town will vote to place an eighteen-month moratorium on the construction within the R-O (Outlying Residence), R-LD (Limited-Density Residence), R-N (Neighborhood Residence), R-VC (Village Center Residence), R-G (General Residence) zoning districts of any single-family residence of greater than 4,000 square feet which shall include the area of any enclosed garage.”

ARTICLE 35. Petition –Zoning Map – Route 9 and University Drive Extension (Wziontko)

“To see if the Town will amend the Official Zoning Map by rezoning Map 13D, Parcels 19 & 57 from the Professional Research Park (PRP) Zone to the Limited Business (B-L) Zone.”

ARTICLE 36. Acceptance of Land - Snell Street (Planning Board)

To see if the Town will acquire by gift a certain parcel of land located on Snell Street containing 24,830 sq. feet, more or less, and shown on Assessor Map 13D, Parcels 20 and 55.

ARTICLE 37. Petition – Kendrick Park (Gordon)

“To see if the Town will vote to accept, as a gift from the Kendrick Trustees, the land located between East Pleasant, North Pleasant and Triangle Streets, to create there a public park, to be know as Kendrick Park, “for the use and benefit of the general public and of the enhancement and beautification of that area of Amherst,” in full accordance with the wishes of George Smith Kendrick and Jennie Kendrick, creators of the Trust.”

ARTICLE 38. Petition - Town Manager’s Salary (Greeney)

“To see if the Town Meeting will vote to recommend the Select Board to reverse its decision on raising the Town Manager’s salary – the decision reached on January 5, 2004.”

ARTICLE 39. Petition – The Vagina Monologues (Kelley)

“Amherst Town Meeting recommends to the Amherst Regional School Committee and Superintendent of Schools, Jere Hochman, that they never again officially sanction or allow high school students to perform on school property the graphic age-inappropriate play, “The Vagina Monologues.”

ARTICLE 40. Petition – Resolution – Nuclear-Weapons Free World (Bonsignore)

“To see if the Town will adopt the following resolution:

NUCLEAR-WEAPONS FREE WORLD

Whereas 20th Century science and technology created a real and present threat of exterminating the human species and our natural environment with nuclear weapons, we ardently hope for a 21st Century society in which science and technology are utilized for humane purposes.

The Town of Amherst, Massachusetts, USA, supports the Mayors for Peace initiative and the 2020 Vision Campaign and hereby demands that:

- 1) National governments increase dialogue, work conscientiously to build trust, and maintain and strengthen the Nuclear Non-Proliferation Treaty (NPT);
- 2) Nuclear-weapon states and de facto nuclear-weapon states, including non-parties to NPT, immediately cease all nuclear development programs, including those intended for space, and bring the Comprehensive Test Ban Treaty into force forthwith; and
- 3) The 2005 NPT Review Conference in New York, which takes place just prior to the 60th anniversary of the atomic bombings, demand that nations begin to map the road to a nuclear-weapons free world with adoption by 2010 and a commitment to reach that goal by 2020.

We hereby declare our renewed determination to act on behalf of our citizens to eliminate nuclear weapons and create a world without war in which resources are used to reduce hunger, poverty, refugee status, and human rights violations.

A copy of this declaration is to be sent to:

- George W. Bush, President of the United States of America
- John Negroponte, US Ambassador to the United Nations
- Kofi Annan, Security General of the United Nations
- Dennis Hastert, Speaker of the House
- William Frist, President Pro Tem of the Senate
- John Kerry, U.S. Senator
- Edward Kennedy, U.S. Senator
- John Olver, U.S. Representative
- Tadatoshi Akiba, Mayor of Hiroshima and President of the Mayors for Peace”

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

- | | | |
|-----------------------------------|---------|---------------------|
| Prec. 1 North Amherst Post Office | Prec. 6 | Fort River School |
| Prec. 2 North Fire Station | Prec. 7 | Crocker Farm School |

Prec. 3 Marks Meadow School
Prec. 4 Amherst Post Office
Prec. 5 Town Hall

Prec. 8
Prec. 9
Prec. 10

Munson Memorial Library
Wildwood School
Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this seventh day of April, 2004.

Anne S. Awad
Robie Hubley
Gerald Weiss
Carl Seppala
Board of Selectmen

April 13, 2004

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Sgt. David R. Knightly
Constable, Town of Amherst